

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1-20 were originally filed in the application. These claims are subject to a restriction requirement.

### **Restriction Requirement**

The Office has required restriction to one of the following groups of claims:

Group I: Claims 1-10 and 20, drawn to method of darkening the skin, classified in Class 424, subclass 63; and

Group II: Claims 11-19, drawn to a composition comprising a polymer, classified in Class 424, subclass 70.11.

In addition, the Office has required election of one of the following species:

3-aminotyrosine, dihydroxy acetone, 3,4-dihydroxybenzoic acid, 3-amino, 4-hydroxybenzoic acid, emodin, alizarin, tyrosine, 4,5-dihydroxynaphthalene-2-sulfonic acid, 3-nitrotyrosine, 3-dimethylamino phenol, p-aminobenzoic acid, aloin monomers, dihydroxyphenylalanine monomers, linoleic acid, 9, 10-dihydroxystearic acid, linolenic acid, cholesterol and dihydroxycarbazole.

The Office Action indicates that Groups II and I are related as product and process of use. It indicates that the product as claimed can be used in a materially different process of using that product, such as to deliver control-release pharmaceuticals.

Applicant hereby elects Group II with traverse and respectfully requests reconsideration of the Restriction Requirement.

Applicant submits that the claims in the groups are related, and complete examination cannot be made of either group of claims without searching and considering the art in the other group's classification. It would be more efficient to search and examine both claim groupings together and it would be more burdensome to prosecute two separate applications for the identified claims. Reconsideration and withdrawal of the restriction requirement is hereby respectfully requested.

For the reasons above, Applicants respectfully submit that the restriction requirement is inappropriate. Accordingly, they believe that a response to the election of species is premature.

However, in order to comply with the outstanding election requirement, Applicants elect the species "aloin monomers" with traverse. The following claims are readable on this species: Claims 11-12, 17 and 19.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,

By:/Sharon E. Hayner/  
Sharon Hayner  
Attorney for Applicant(s)  
Reg. No. 33,058

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2242  
Dated: October 3, 2007